

REMARKS

Claims 1-25 are in the application.

Claims 26 and 27 have been withdrawn due to the Examiner's restriction requirement.

On January 18, 2006 applicant mailed a Rule 131 declaration to the U.S. Patent and Trademark Office under Certificate of Mailing for the Examiner's consideration. The Office of Initial Patent Examination received the declaration on January 20, 2006, as evidenced by the copy of the receipt postcard attached hereto, and prior to the mailing of the present Examiner's Action. Apparently there has been some delay in making the declaration available to the Examiner for her consideration. Applicants appreciate the prompt attention that the Examiner has given to this matter.

Applicants respectfully request that the Examiner reconsider each of the rejections entered in this matter in light of the declaration, a copy of which is included herewith for the Examiner's reference. The declaration evidences the fact that the presently claimed invention was reduced to practice prior to November 27, 2002, the earliest effective date of U.S. Patent Publication 2004/0110639, Application No. 10/717,836 ("Joedicke '639"), relied upon by the Examiner either alone or as a primary reference taken in combination with other references, in finally rejecting claims 1-25 under 35 U.S.C. 103(a).

Applicants respectfully traverse each such final rejection, and request reconsideration and withdrawal of each reference, because Joedicke '639 is not prior art with respect to the presently claimed invention.

Claims 3-11, and 16-24 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Joedicke '639 in view of JP 60147276 for the reasons of record set forth in paragraph 3 of the Office Action mailed on August 16, 2005.

Claims 12-13 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Joedicke '639 in view of JP 60147276, further in view of McMahon (US 3,507,676) for the reasons of record set forth in paragraph 4 of the Office Action mailed on August 16, 2005.

Claims 14-15 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Joedicke '639 in view of JP 60147276, further in view of Hojaji et al (US 4430108) for the reasons of record set forth in paragraph 5 of the Office Action mailed on August 16, 2005.

Claim 25 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Joedicke (U.S. 4378408) in view of Joedicke '639 for the reasons of record set forth in paragraph 6 of the Office Action mailed on August 16, 2005.

The Examiner responded in detail to each of the applicants' arguments. However, each of the Examiner's responses was premised on the assumption that Joedicke '639 was available as prior art with respect to the present application. Applicants believe that the Rule 131 declaration previously submitted is effective to remove Joedicke '639 as a reference in respect of the presently claimed invention. In the event that this belief proves incorrect, applicants reserve the right to reply to the each of the Examiner's responses to applicants' specific arguments traversing the sundry rejections entered over Joedicke '639 in an appropriate procedural context. In the interim, applicants respectfully traverse each of the above final rejections on the ground that Joedicke '639 is not prior art with respect to the presently claimed invention, and request reconsideration on this basis.

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Applicants respectfully solicit reconsideration, withdrawal of the rejections entered, and an early notice of allowance.

Respectfully submitted,



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